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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 UNIVERSAL DYEING & PRINTING,
13 INC.,

14 Plaintiff,

15 v.

16
17 MEETU MAGIC, INC., a New York
corporation; PAPILLON EASTERN
18 IMPORTS, INC., a California corporation;
19 AVENUE STORES, LLC, a New Jersey
limited liability company; and DOES 1
20 through 10,

21 Defendants.
22

Case No.:

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

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24 UNIVERSAL DYEING & PRINTING, INC., by and through its undersigned
attorneys, hereby prays to this honorable Court for relief based on the following:
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JURISDICTION AND VENUE

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2 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
3 *et seq.*

4 2. This Court has federal question jurisdiction under 28 U.S.C. § 1331 and
5 1338 (a) and (b).

6 3. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and
7 1400(a) in that this is the judicial district in which a substantial part of the acts and
8 omissions giving rise to the claims occurred.

9 **PARTIES**

10 4. Plaintiff Universal Dyeing & Printing, Inc. is a California corporation.

11 5. Plaintiff is informed and believes and thereon alleges that Defendant
12 MEETU MAGIC, INC. (“MEETU”) is a New York corporation, with its principal
13 place of business located at 4800 Westside Ave. North Bergen, New Jersey, 07047,
14 and is doing business in and with the state of California.

15 6. Plaintiff is informed and believes and thereon alleges that Defendant
16 PAPILLON EASTERN IMPORTS, INC. (“PAPILLON”) is a California
17 corporation, with its principal place of business located at 1922 E. 7th Place, Los
18 Angeles, California 90021.

19 7. Plaintiff is informed and believes and thereon alleges that Defendant
20 AVENUE STORES, LLC (“AVENUE”) is a New Jersey corporation, with its
21 principal place of business located at 365 West Passaic Street, Suite 230, Rochelle
22 Park, New Jersey 07662, and is doing business in and with the state of California.

23 8. Plaintiff is informed and believes and thereon alleges that Defendants
24 DOES 1 through 10, inclusive, are other parties not yet identified who have infringed
25 Plaintiff’s copyrights, have contributed to the infringement of Plaintiff’s copyrights,
26 or have engaged in one or more of the wrongful practices alleged herein. The true
27 names, whether corporate, individual or otherwise, of Defendants 1 through 10,

1 inclusive, are presently unknown to Plaintiff, which therefore sues said Defendants
2 by such fictitious names, and will seek leave to amend this Complaint to show their
3 true names and capacities when same have been ascertained.

4 9. Plaintiff is informed and believes and thereon alleges that at all times
5 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
6 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
7 at all times acting within the scope of such agency, affiliation, alter-ego relationship
8 and/or employment; and actively participated in or subsequently ratified and/or
9 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
10 circumstances, including, but not limited to, full knowledge of each violation of
11 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

12 **CLAIMS RELATED TO DESIGN NO. UA 13710**

13 10. Plaintiff owns an original two-dimensional artwork used for purposes of
14 textile printing entitled UA 13710 ("Subject Design") which has been registered with
15 the United States Copyright Office.

16 11. Prior to the acts complained of herein, Plaintiff widely disseminated fabric
17 bearing Subject Design to numerous parties in the fashion and apparel industries.

18 12. Plaintiff is informed and believes and thereon alleges that following its
19 distribution of Subject Design, MEETU, PAPILLON, AVENUE, DOE Defendants,
20 and each of them distributed and/or sold fabric and/or garments featuring a design
21 which is substantially similar to Subject Design (hereinafter "Subject Product")
22 without Plaintiff's authorization, including but not limited to products sold by

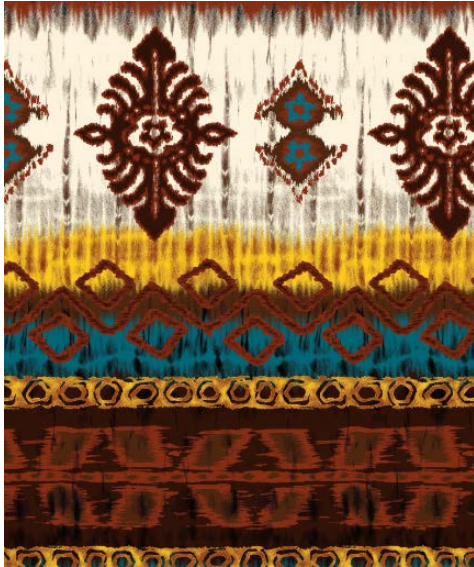
23 a. bearing the label "Magic" and RN 94479, indicating that it was
24 manufactured by or for MEETU.

25 b. bearing the label "Arden B" and RN 57716, indicating that it was
26 manufactured by or for PAPILLON.

c. bearing the label “Avenue” and RN 138302, indicating that it was manufactured by or for AVENUE.

13. An image of Subject Design and an exemplar of Subject Product are set forth hereinbelow:

Subject Design



Subject Product



14. Plaintiff is informed and believes and thereon alleges that Defendants, and each of them, had access to Subject Design, including, without limitation, through (a) access to Plaintiff’s showroom and/or design library; (b) access to illegally distributed copies of Subject Design by third-party vendors and/or DOE Defendants, including without limitation international and/or overseas converters and printing mills; (c) access to Plaintiff’s strike-offs and samples, and (d) access to garments in the marketplace manufactured with lawfully printed fabric bearing Subject Design.

15. Plaintiff is informed and believes and thereon alleges that one or more of the Defendants manufactures garments and/or is a garment vendor. Plaintiff is further informed and believes and thereon alleges that said Defendant(s), and each of them, has an ongoing business relationship with Defendant retailers, and each of them, and supplied garments to said retailers, which garments infringed Subject

1 Design in that said garments were composed of fabric which featured unauthorized
2 print designs that were identical or substantially similar to Subject Design, or were
3 an illegal modification thereof.

4 16. Plaintiff is informed and believes and thereon alleges that Defendants, and
5 each of them, infringed Plaintiff's copyright by creating, making and/or developing
6 directly infringing and/or derivative works from Subject Design and by producing,
7 distributing and/or selling Subject Products through a nationwide network of retail
8 stores, catalogues, and through on-line websites.

9 17. Due to Defendants', and each of their, acts of infringement, Plaintiff has
10 suffered damages in an amount to be established at trial.

11 18. Due to Defendants', and each of their, acts of copyright infringement as
12 alleged herein, Defendants, and each of them, have obtained profits they would not
13 otherwise have realized but for their infringement of Subject Design. As such,
14 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
15 attributable to the infringement of Subject Design in an amount to be established at
16 trial.

17 19. Plaintiff is informed and believes and thereon alleges that Defendants, and
18 each of them, have committed copyright infringement with actual or constructive
19 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
20 and continue to be, willful, intentional and malicious.

21
22 **PRAYER FOR RELIEF**

23 Wherefore, Plaintiff prays for judgment as follows:

- 24 a. That Defendants—each of them—and their respective agents and
25 servants be enjoined from importing, manufacturing, distributing,
26 offering for sale, selling or otherwise trafficking in any product that
27 infringes Plaintiff's copyrights in Subject Designs;

- 1 b. That Plaintiff be awarded all profits of Defendants, and each of them,
2 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,
3 or, if elected before final judgment, statutory damages as available under
4 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 5 c. That Plaintiff be awarded its attorneys' fees as available under the
6 Copyright Act U.S.C. § 101 et seq.;
- 7 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 8 e. That Plaintiff be awarded the costs of this action; and
- 9 f. That Plaintiff be awarded such further legal and equitable relief as the
10 Court deems proper.

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12 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
13 38 and the 7th Amendment to the United States Constitution.

14 Dated: May 24, 2017

DONIGER/BURROUGHS

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16 By: /s/ Stephen M. Doniger
17 Stephen M. Doniger, Esq.
18 Frank Gregory Casella, Esq.
19 Attorneys for Plaintiff

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